

REMARKS

This Amendment, submitted in response to the Office Action dated March 11, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-42 are pending in the application. Claims 19-42 have been allowed. Claims 2-4, 8-10, and 14-16 have been objected to but would be deemed allowable if rewritten in independent form including of the limitations of the respective independent claims. However, Applicant requests the Examiner to hold the re-writing of the above claims in abeyance until the arguments below defending the independent claims have been considered.

B. Rejections under §103

Claims 1, 5-7, 11-13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hickel et al (US 5,141,311) in view of Sartor (US 5,416,573).

The prior art references do not contain any suggestion (express or implied) that they be combined, or that they be combined in the manner suggested. Hickel relates to a method for examining the physical properties of thin films with the aid of polarized light (see col. 1, ln. 5-7, Hickel). Hickel is an optical imaging technique for examining and characterizing the physical properties of surfaces in gaseous and liquid environments (see col. 1, ln. 18-21, Hickel). By contrast, Sartor is an apparatus for recording fingerprint images and eliminating image artifacts (see col. 1, ln. 8-12, Sartor). There is no suggestion that one would combine a method taking place in a liquid or gaseous environment with an apparatus for measuring fingerprints. Perhaps the Examiner is confused due to the fact that Sartor teaches an apparatus for obtaining

fingerprints which is less sensitive to the presence of moisture on a person's finger (see col. 3, ln. 39-42, Sartor). However this does not correlate to surfaces that are in moist, liquid environments.

The Examiner correctly concedes that Hickel lacks an optical compensation system. However the Examiner asserts that it would have been obvious to use such an optical compensation means in an arrangement such as shown by Hickel because it is known that the problem of distortion occurs, as shown by Sartor. The Examiner contends that it is known that the optical compensation means produces a beneficial correction of that distortion. Applicant disagrees because the problem of distortion caused in Sartor occurs due to the moisture on a person's fingers which causes artifacts to occur. This requires viewing at a specific angle to eliminate the artifacts, and the compensation system compensates for view angle distortion. This does not correlate to Hickel which provides a method for examining thin and ultra-thin films in respect of surface and refractive index structures with high intensity contrast (see col. 1, ln. 40-45, Hickel). Hickel concentrates on structures with high vertical resolution and good lateral resolution (see col. 1, ln. 44-45, Hickel). While Sartor concentrates on fingers in which the presence of moisture in valley V2 can cause a light ray to be refracted rather than internally reflected (see, col. 4, ln. 45-50, Sartor). In view of the above arguments Applicant argues that the rejection of independent claims 1, 7, and 13 and dependent claims 5, 6, 11, 12, 17, and 18 under 35 U.S.C. § 103(a) is improper and should be reconsidered and withdrawn.

Additionally, Applicant would submit that the references tend to teach away from their combination with each other. While Sartor pertains to two known interfaces of finger/substrate and water (moisture)/substrate for determining angles of incidence, Hickel seeks a wider

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variation of incident angles in order to detect different lateral forms. Limiting Hickel to the incidence and distortion compensation of Sartor would defeat a principle object of the Hickel reference.

Moreover, assuming arguendo that the references may be combined, independent claim 1 includes a collimator not disclosed in the art. Additionally, claim 1 describes optical compensation based on variation in the angle of incidence. By contrast, the compensation of Sartor relates to distortion due to view angle. Claim 1 is patentable for all the above reasons. Claims 5-6 are patentable based on their dependency. Claims 7 and 13 are patentable for reasons analogous to those set forth above for claim 1, and claims 11-12 and 17-18 are patentable based on their dependency.

Claim 43 has been added to describe the invention more particularly.

In view of the above, Applicant submits that claims 1-43 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

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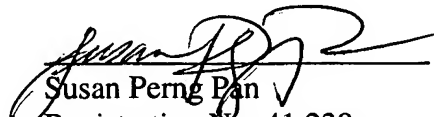
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